

ORDINANCE NO. 20090924-084

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1811 SPRINGDALE ROAD AND 4705 HEFLIN LANE IN THE MLK-183 NEIGHBORHOOD PLAN AREA FROM COMMUNITY COMMERCIAL-NEIGHBORHOOD PLAN (GR-NP) COMBINING DISTRICT AND LIMITED OFFICE-NEIGHBORHOOD PLAN (LO-NP) COMBINING DISTRICT TO PUBLIC-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (P-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial-neighborhood plan (GR-NP) combining district and limited office-neighborhood plan (LO-NP) combining district to public-conditional overlay-neighborhood plan (P-CO-NP) combining district on the property described in Zoning Case No. C14-2008-0174, on file at the Planning and Development Review Department, as follows:

A 4.326 acre tract of land, more or less, out of the Jesse C. Tannehill League, Abstract No. 22, in Travis County, consisting of a 1.797 acre tract, a 0.373 acre tract, and a 2.153 acre tract, the entire 4.326 acre tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1811 Springdale Road and 4705 Heflin Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the (P) base district, and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2000 trips per day.

B. The following uses are prohibited uses of the Property:

Automotive repair services
Automotive sales
Commercial off-street parking
Detention facilities
Equipment sales
Industrial uses
Major public facilities
Off-site accessory parking
Railroad facilities
Scrap and salvage
Transitional housing
Vehicle storage

Automotive rentals
Automotive washing (of any type)
Convenience storage
Equipment repair services
Exterminating services
Liquor sales
Major utility facilities
Pawn shop services
Residential treatment
Service station
Transportation terminal

PART 4. The Property is subject to Ordinance No. 021107-Z-12b that established the MLK-183 neighborhood plan combining district.

PART 5. This ordinance takes effect on October 5, 2009.

PASSED AND APPROVED

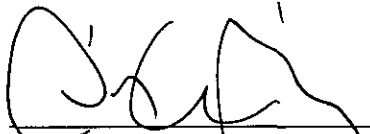
September 24, 2009

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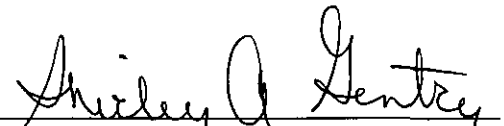
Lee Leffingwell
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

Field Notes

BEING 4.326 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JESSE C. TANNEHILL LEAGUE, ABSTRACT No. 22 IN TRAVIS COUNTY TEXAS, SAME BEING THE TRACTS CONVEYED TO TRAVIS COUNTY, TEXAS BY THE FOLLOWING INSTRUMENTS;

1. ALL OF THE 1.797 ACRES OF LAND CONVEYED BY DEED EXECUTED ON SEPTEMBER 15, 1951, FILED FOR RECORD ON SEPTEMBER 17, 1951 RECORDED IN VOLUME 1200, PAGE 421 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS

2. ALL OF THE 0.373 OF ONE ACRE OF LAND CONVEYED BY QUITCLAIM DEED EXECUTED ON AUGUST 18, 2009, FILED FOR RECORD ON AUGUST 18, 2009, RECORDED IN DOCUMENT 2009139972 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

3. ALL OF THE 2.153 ACRES OF LAND CONVEYED BY SPECIAL WARRANTY DEED EXECUTED ON DECEMBER 26, 2002, FILED FOR RECORD ON DECEMBER 27, 2002 RECORDED IN DOCUMENT 2002250681 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

SAID 4.326 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a 1/2 inch iron pipe found at the most southerly corner of said 2.153 acre Travis County Tract, same being in a northeasterly line of Lot 6, Block A, Oak Lawn Section One, recorded in Book, 9, Page 166 of the Plat Records of Travis County, Texas, same also being the most westerly corner of the Murray Owens Subdivision, recorded in Book 29, Page 37 of the Plat Records of Travis County, Texas, for the most southerly corner of the herein described tract of land having Texas State Plane (Central Zone, NAD 83(93) HARN, US Feet, Combined Scale Factor of 1.00006) values of N=10077113.21, E=3133499.94;

1) THENCE, North 62°13'51" West, a distance of 299.49 feet, with a southwesterly line of said 2.153 acre Travis County tract and a northeasterly line of Block A of said Oak Lawn Section One, to a 1/2 inch iron pipe found for a corner, same being a northeasterly corner of the right-of-way dedication adjoining Block A, of said Oak Lawn Section One, same being the most northerly corner of Lot 1, Block A of said Oak Lawn Section One;

2) THENCE, North 60°28'16" West, a distance of 5.00 feet, with a northeasterly line of said Oak Lawn Section One right-of-way dedication and a southwesterly line of said 2.153 acres Travis County tract, to a 1/8 inch iron rod in concrete found in a southeasterly line of said 0.373 of one acre Travis County tract, same being the northwesterly corner of said Oak Lawn Section One right-of-way dedication and the most westerly corner of said 2.153 acre Travis County tract, for an interior ell corner;

3) THENCE, South 27°51'54" West, a distance of 101.35 feet, with a southeasterly line of said 0.373 of one acre Travis County tract and a northwesterly line of said Oak Lawn Section One right-of-way dedication to 5/8 inch iron rod with aluminum cap stamped "MWM" set at the most southerly corner of said 0.373 of one acre Travis County tract, same being in a northwesterly line of said Oak Lawn Section One right-of-way dedication, same

also being the most easterly corner of the remainder of a 0.63 of one acre tract conveyed to Travis County, Texas by Right-of-Way Deed recorded in Volume 1200, Page 419 of the Deed Records of Travis County, Texas, from which a 1/2 inch iron rod found in the northeasterly line of Oak Cliff Drive (ROW varies) at the most southerly corner of Lot 1, of said Block A, bears along a curve to the left of 208.23 feet radius, at an arc distance of 5.24 having an angle of intersection of 01°26'35" (the chord bears South 42°08'22" East, a distance of 5.24 feet) passing a 1/2 inch iron pipe found, in all an arc distance of 75.66, having an angle of intersection of 20°49'02" (the long chord of said curve bears South 51°49'35" East, a distance of 75.24 feet, for the most southerly corner of the herein described tract of land;

4) THENCE, along a curve to the right of 208.23 feet radius, an arc length of 12.30 feet, having an angle of intersection of 03°23'07" (the long chord of said curve bears North 39°43'31" West, a distance of 12.30 feet), leaving the northwesterly line of said Oak Lawn, Section One right-of-way dedication, with the southwesterly line of said 0.373 of one acre Travis County tract and a northeasterly line of the remainder of said 0.63 of one acre Travis County right-of-way tract, to a 5/8 inch iron rod with aluminum cap stamped "MWM" set at the point of curvature of a non-tangent circular curve to the left, from which a 1/2 inch iron rod found in the southwesterly line of Oak Cliff Drive and in the northeasterly line of Lot 4, Block B of said Oak Lawn Section One bears South 51°57'58" West, a distance of 50.00 feet;

5) THENCE, along said curve to the left of 258.23 feet radius, an arc distance of 109.01 feet, having an angle of intersection of 24°11'11" (the long chord of said curve bears North 50°05'34" West, a distance of 108.20 feet) to a 5/8 inch iron rod with aluminum cap stamped "MWM" set for an endpoint of said curve, same being the most westerly corner of said 0.373 of one acre Travis County tract, same also being in a northwesterly line of said 0.63 of one acre Travis County right-of-way tract and the southwesterly line of said 1.797 acre Travis County tract, from which a 60D nail found in the southwesterly line of Oak Cliff Drive and in the northeasterly line of Lot 2, Block B of said Oak Lawn Section One bears South 27°54'04" East, a distance of 50.00 feet;

6) THENCE North 62°05'56" West, a distance of 132.06 feet, with a southwesterly line of said 1.797 acre Travis County, Tract and a northerly line of said 0.63 of one acre Travis County right-of-way tract, 50 feet from and parallel to the northeasterly line of Block B of said Oak Lawn Section One, to a cotton gin spindle set in the southeasterly line of Springdale Road (ROW varies), same being the most westerly corner of said 1.797 acre Travis County, tract and a southwesterly corner of said 0.63 of one acre Travis County right-of-way tract, for the most westerly corner of the herein described tract of land;

7) THENCE, North 27°51'54" East, a distance of 341.59 feet, with the southeasterly right-of-way line of said Springdale Road, and a northwesterly line of said 1.797 acre Travis County tract, to a mag nail set in a southerly line of FM 969 (known locally as Martin Luther King, Boulevard East) (ROW Varies) and in a northerly line of said 1.797 acre Travis County tract, for the most westerly north corner of the herein described tract of land;


8) THENCE, North 79°15'33" East, a distance of 57.45 feet, with the southerly right-of-way line of FM 969 and a northerly line of said 1.797 acre Travis County tract, to a 5/8 inch iron rod with aluminum cap stamped "MWM" set in a southwesterly line of Heflin Lane (ROW Varies) at the most easterly north corner of said 1.797 acre Travis County tract, for the most easterly north corner of the herein described tract of land;

9) THENCE, South 62°47'32" East, at a distance of 164.36 feet passing a calculated point at the most easterly corner of said 1.797 acre Travis County Tract and the most northerly corner of said 0.373 of one acre Travis County tract, from which a 1/2 inch iron rod found bears South 79°44'39" West, a distance of 0.54 feet, in all a distance of 204.36 feet, with the southwesterly right-of-way line of Heflin Lane, a northeasterly line of said 1.797 acre Travis County tract and a northeasterly line of said 0.373 of one acre Travis County tract, to a 5/8 inch iron rod with aluminum cap stamped "MWM" set for a corner (to replace a 3/8 inch iron pipe found by MWM DesignGroup on October 20, 2004) at the most easterly corner of said 0.373 of one acre Travis County tract and the most northerly corner of said 2.153 acre Travis County tract;

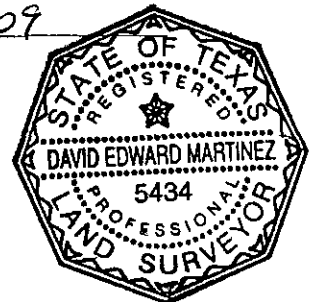
10) THENCE, South 62°56'00" East, a distance of 305.24 feet, with a southwesterly right-of-way of Heflin Lane and a northeasterly line of said 2.153 acre Travis County tract, to a 1/2 inch iron rod found at the most easterly corner of said 2.153 acre Travis County tract and the most northerly corner of said Murray Owens Subdivision, for the most easterly corner of the herein described tract of land;

11) THENCE, South 28°00'01" West, a distance of 309.68 feet, with the southeasterly line of said 2.153 acre Travis County tract and the northwesterly line of said Murray Owens Subdivision to the Point of Beginning and containing an area of 4.326 acres of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.


David Edward Martinez
Registered Professional Land Surveyor 5434

08/24/09
Date

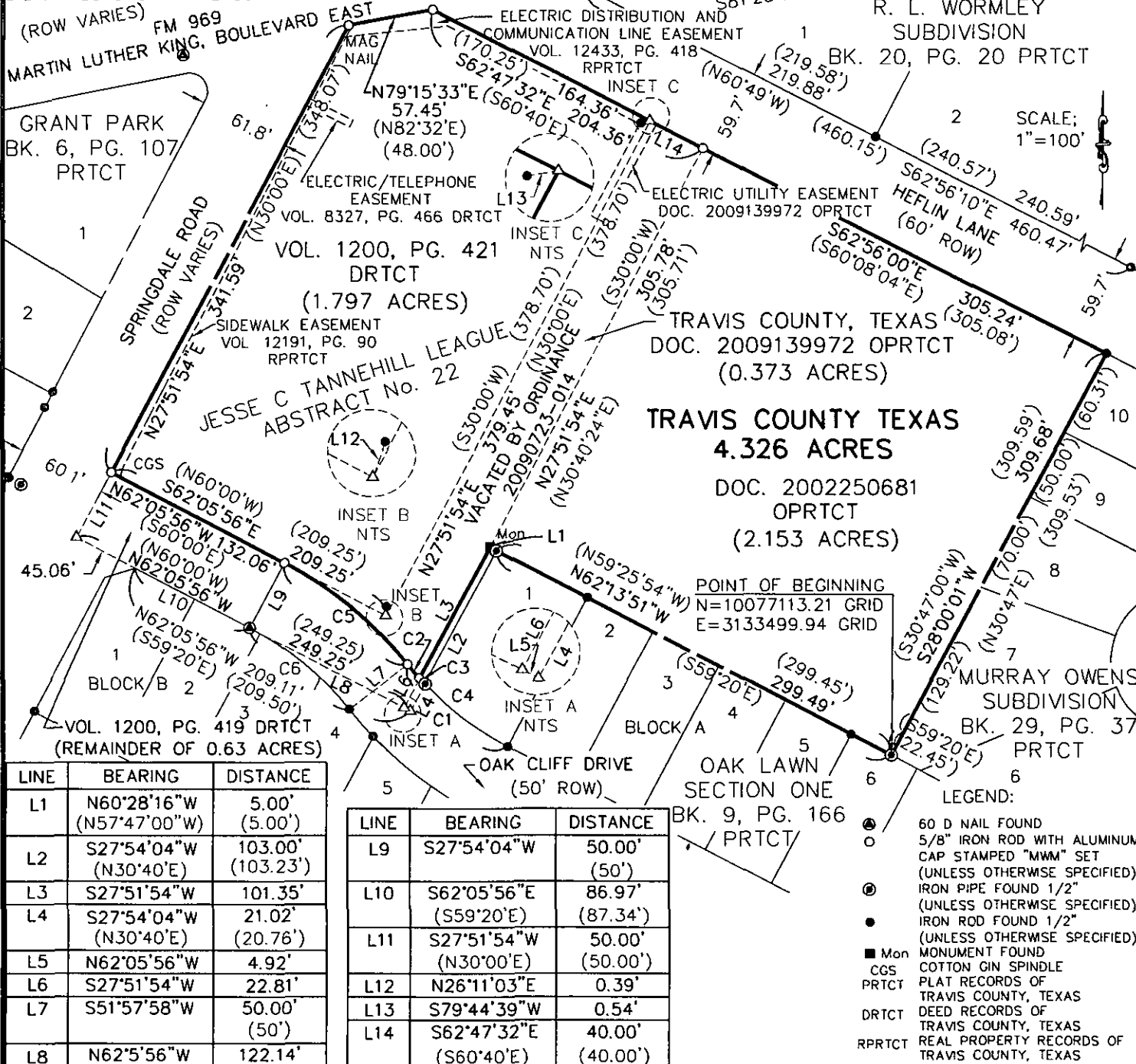


MWM DesignGroup
Chevy Chase One
7700 Chevy Chase Drive, Suite 100
Austin, Texas, 78752
(512) 453-0767

Bearing Basis: Texas State Plane Central Zone NAD 83(93)HARN-For surface coordinates multiply grid coordinates by a combined scale factor of 1.00006. All distances shown are surface distances.

TCAD No.: 0212210401, 0212210517
CITY GRID No.: M23, M24

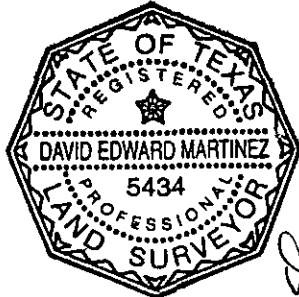
THE GRID COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83(93) HARN COORDINATES. FOR SURFACE COORDINATES DIVIDE THE GRID COORDINATES BY A COMBINED SCALE FACTOR OF 1.00006. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.



LINE	BEARING	DISTANCE
L1	N60°28'16"W (N57°47'00"W)	5.00' (5.00')
L2	S27°54'04"W (N30°40'E)	103.00' (103.23')
L3	S27°51'54"W	101.35'
L4	S27°54'04"W (N30°40'E)	21.02' (20.76')
L5	N62°05'56"W	4.92'
L6	S27°51'54"W	22.81'
L7	S51°57'58"W	50.00' (50')
L8	N62°5'56"W	122.14'

LINE	BEARING	DISTANCE
L9	S27°54'04"W	50.00' (50')
L10	S62°05'56"E (S59°20'E)	86.97' (87.34')
L11	S27°51'54"W (N30°00'E)	50.00' (50.00')
L12	N26°11'03"E	0.39'
L13	S79°44'39"W	0.54'
L14	S62°47'32"E (S60°40'E)	40.00' (40.00')

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	24°12'08" (24°12')	208.23' (208.23')	87.96' (87.95')	N50°08'02"W	87.31' (87.30')
C2	03°23'07"	208.23'	12.30'	N39°43'31"W	12.30'
C3	01°26'35"	208.23'	5.24'	S42°08'22"E	5.24'
C4	19°22'27"	208.23' (208.23')	70.41' (70.35')	S52°32'53"E (N49°39'W)	70.08' (70.04')
C5	24°11'11"	258.23'	109.01'	N50°05'34"W	108.20'
C6	24°12'56" (24°12')	208.23' (208.23')	88.01' (87.95')	N50°5'49"W	87.35' (87.30')



LEGEND:

- 60 D NAIL FOUND
- 5/8" IRON ROD WITH ALUMINUM CAP STAMPED "MWM" SET (UNLESS OTHERWISE SPECIFIED)
- IRON PIPE FOUND 1/2" (UNLESS OTHERWISE SPECIFIED)
- IRON ROD FOUND 1/2" (UNLESS OTHERWISE SPECIFIED)
- Mon MONUMENT FOUND
- CGS COTTON GIN SPINDLE
- PRCT PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- DRCT DEED RECORDS OF TRAVIS COUNTY, TEXAS
- RRPCT REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- OPRCT OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- () INDICATES RECORD DATA

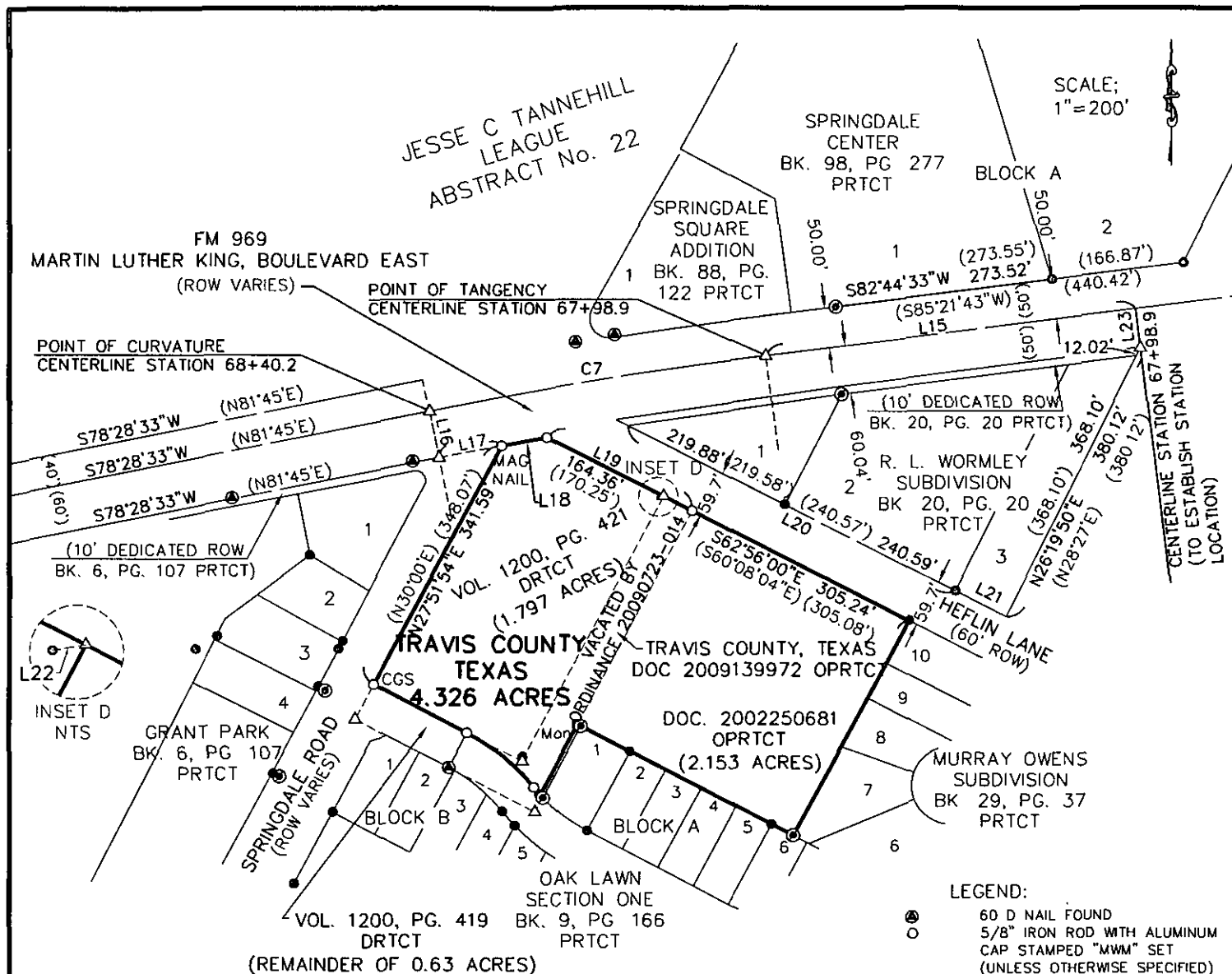


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SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

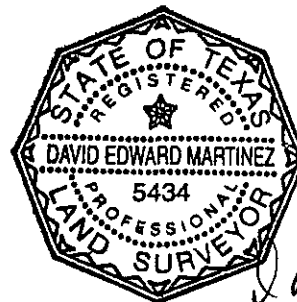
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JOB NO: 12714D
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LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L15	S82°44'33"W (S84°45'W)	468.00' (468.0')	L19	S62°47'32"E (S60°40'E)	204.36'
L16	S11°31'27"E (S08°15'E)	60.00' (60')	L20	S62°56'10"E (N60°49'W)	460.47' (460.15')
L17	N79°15'33"E (N82°32'E)	79.62'	L21	S62°56'10"E (N60°49'W)	71.98' (72.00')
L18	N79°15'33"E (N82°32'E)	57.45' (48.00')	L22	S79°44'39"W	0.54'
			L23	S07°15'27"E	49.56' (50')

CURVE	DELTA	RADIUS	LENGTH	TANGENT	BEARING	CHORD
C7	04°16'00" (04°16')	5729.58' (5729.58')	426.67' (426.7')	213.43' (213.4')	S80°36'33"W	426.57'

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David E. Martinez
08/24/09

mwm
Design Group

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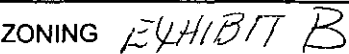
SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE AUG 24, 2009
JOB NO 12714D
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